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Letter dated 3 October 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a concept paper for the open debate of the Security Council on women, rule of law and transitional justice in conflict-affected situations, to be held on 18 October 2013 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 3 October 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Women, rule of law and transitional justice in conflict-affected situations

Concept note

Introduction

During its presidency of the Security Council in October 2013, Azerbaijan will convene an open debate on women, rule of law and transitional justice in conflict-affected situations. The debate will focus on the implementation of Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 2106 (2013) and provide the Council with an opportunity to send a strong signal that the rule of law in conflict and post-conflict situations must comprehensively promote justice and accountability in ways that further the equal rights of women and the right to equal participation in decision-making.

Aim and objectives of the open debate

The principal objectives of the debate are:

(a) To review progress in, and address gaps and challenges with regard to, the implementation of commitments on women, peace and security;

(b) To highlight good practices in terms of gender-responsive transitional justice measures and reform of justice systems to increase women's access, equal rights and participation in conflict-affected situations;

(c) To allow representatives of the United Nations system and civil society to elaborate on specific measures that need to be adopted in order to foster transitional justice and rule of law actions that support comprehensive accountability for crimes experienced by women and the full participation of women in these processes.

Background

Since the first thematic debate on the rule of law by the Security Council, in 2003, the Council has paid increasing attention to the issue, acknowledging that combating impunity, addressing past violations, rebuilding the justice sector and asserting the principles of the rule of law underpin efforts to build peace and stability in the aftermath of conflict. The Council has to date hosted seven debates on the rule of law and transitional justice and has requested three reports from the Secretary-General thereon. Support for the rule of law, justice sector reform and transitional justice has increasingly been part of the mandates of peacekeeping and special political missions.

Within this growing engagement by the Council, little attention has been paid, however, to the gendered impacts of the breakdown of the rule of law during and after conflict. While genuine gains have been made in strengthening the political will and international legal framework to secure justice for conflict-related sexual

violence crimes, little has been said of the full range of violations and serious crimes experienced by women, including the gendered impacts of enforced disappearances, foreign occupation, mass forced displacement, restrictions on humanitarian aid, conflict-related trafficking and destruction of civilian infrastructure. Combating impunity and strengthening both international and national justice responses to these crimes is equally crucial.

One component of the rule of law agenda — transitional justice — has become a well-established element of the Council's discussions and outcomes. The Council has increasingly mandated peacekeeping and special political missions to support the establishment of transitional justice measures — including national consultations, prosecutions, truth-seeking and fact-finding bodies, reparations programmes and reconciliation initiatives — and they are now recognized as key tools for ending cycles of violence and asserting a new national compact for peace. The contribution of transitional justice measures to rebuilding the rule of law, redress, justice and reconciliation makes them equally important tools for furthering women's rights in post-conflict societies.

Given the importance of these institutions, more direction is needed to ensure consistent standards for equal access of women and to benefit them. For example, truth commissions and other justice processes must address conflict-related abuses of the rights of women and girls, be designed on the basis of consultations with women, ensure women's representation at all levels, engage gender equality experts and ensure the full participation of women as witnesses and beneficiaries. Reparations programmes, a key justice priority for women, should receive increased recognition and support as a tool for delivering justice and recovery for victims and longer-term peace dividends within communities.

More attention also needs to be paid to rebuilding justice and security institutions, with gender-sensitive reforms and women's participation at their core. In many post-conflict contexts, women continue to face heightened levels of violence and insecurity as a result of weakened or non-existent justice systems, discriminatory laws and entrenched inequality. Justice sector reform is also critical to allowing women access to the full range of rights, including access to land, identity documents, citizenship, labour rights and economic rights. The need to rebuild the justice and security sectors is critical, not only for the protection of women and combating impunity, but also for the full participation of women in all aspects of post-conflict reconstruction and peacebuilding, which are key pillars of the women, peace and security agenda.

Elements for discussion

The open debate provides an opportunity to consider gender-specific approaches to the restoration of the rule of law in ways that address the full range of violations of women's rights during war through gender-responsive transitional justice measures, prevent continuing abuses in the post-conflict period and support justice and security sector reforms that place women's equal rights, access and participation at their heart and play a substantial role in long-term stability and peace.

Suggested presenters

(a) The Secretary-General (opening remarks);

(b) The Under-Secretary-General/Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women;

(c) The Under-Secretary-General for Peacekeeping Operations;

(d) A civil society representative.

Outcome

The intention is to conclude the meeting with the adoption of a presidential statement or a resolution. A draft will be prepared and circulated in due time, to be agreed upon before the debate is held.